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**OCT 25 2004**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Rolf Jansen	:	
Application No. 09/232,566	:	<b>ON PETITION</b>
Filed: January 15, 1999	:	
For: Tractor/Trailer Back Up Kit	:	

This is a decision on the petition under 37 CFR 1.182, filed February 22, 2002, which is being treated as a petition under 37 CFR 1.181, requesting a refund of fees paid.

On August 2, 2000, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period to reply. On October 17, 2000, petitioner submitted a request for a two-month extension of time to respond with a check in the amount of \$250.00. The fee for a two-month extension of time due on October 17, 2000, was \$195.00. Therefore, petitioner overpaid by \$55.00.

On January 29, 2001, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. On April 24, 2001, petitioner submitted a request for a three-month extension of time to respond with a check in the amount of \$250.00. On July 2, 2001 (certificate of mailing dated June 28, 2001), petitioner filed a Notice of Appeal. On August 30, 2001, petitioner timely filed a brief, as well as a petition to make special pursuant to MPEP 708.02.

On September 20, 2001, the Office mailed a Notice of Non-Compliance for failure to comply with numerous sections of 37 CFR 1.192(c). On October 12, 2001, petitioner filed a petition to Director under 37 CFR 1.181 and a request for a one-month extension of time to respond to the Notice of Non-Compliance. However, petitioner paid for a three-month extension of time. On December 12, 2001 (certificate of mailing dated November 20, 2001), petitioner filed another request for a one-month extension of time to respond to the Notice of Non-Compliance. However, petitioner paid for a four-month extension of time. On January 16, 2002 (certificate of mailing dated December 19, 2001), petitioner filed a request for a third one-month extension of time to respond to the outstanding Notice of Non-Compliance. However, petitioner paid for a five-month extension of time.

Upon a review of the finance records, petitioner should have filed a request for an extension of time within the third month to respond to the Notice of Non-Compliance and paid a \$460.00 fee. Therefore, petitioner overpaid the extension of time fees by \$1,700.00.

On September 27, 2004, the Office mailed a decision granting the petition to make special and dismissing the petition under 37 CFR 1.181 as moot.

On January 31, 2002, the Office mailed a nonfinal Office action, essentially reopening prosecution. On February 22, 2002, petitioner filed the present petition with a \$130.00 petition fee. However, because the petition is being treated as a petition under 37 CFR 1.181, no petition fee is necessary.

On June 3, 2002 (certificate of mailing dated May 30, 2002), applicant filed a one-month extension of time, a request for reinstatement of the appeal, and a supplemental appeal brief. On August 16, 2002, the examiner prepared and mailed an answer to appellant's brief.

After a thorough review of the Office finance records, it is determined petitioner is entitled to a refund of \$1,885.00 due to overpayment by petitioner. Accordingly, the petition is **granted**. Petitioner will be refunded \$1,885.00 by treasury check.

The application file is being forwarded to the Board of Patent Appeals and Interferences for a decision on the appeal.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

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